

JAN 13 2006

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

HONGWEI WU,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-72480

Agency No. A95-876-741

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted January 9, 2006**

Before: HUG, O'SCANNLAIN, and SILVERMAN, Circuit Judges.

Hongwei Wu, a native and citizen of the People's Republic of China,
petitions for review of the Board of Immigration Appeals' ("BIA") decision

* This disposition is not appropriate for publication and may not be cited to or
by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously finds this case suitable for decision without oral
argument. *See* Fed. R. App. P. 34(a)(2).

summarily affirming an immigration judge's ("IJ") order denying his asylum application after he was ordered deported in absentia. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, *Singh v. INS*, 213 F.3d 1050, 1052 (9th Cir. 2000), and we deny the petition for review.

The IJ did not abuse her discretion in denying Wu's second motion to reopen as numerically barred. *See* 8 U.S.C. § 1229a(c)(7)(A); *Fajardo v. INS*, 300 F.3d 1018, 1020 (9th Cir. 2002) (noting that the single motion to reopen limitation applies to motions to rescind an in absentia order of removal).

To the extent Wu challenges the IJ's order denying Wu's first motion to reopen, we lack jurisdiction to consider it because Wu failed to challenge that order before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

PETITION FOR REVIEW DENIED.